

## REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Pursuant to the Advisory Action dated May 23 claims 2, 3, 7, 10, 11, 13, 15, 21-23, 25, 26, 36-39, 42 and 43 as proposed in the response filed April 18, 2005 were indicated as being allowable if submitted in a separate timely filed amendment canceling the non-allowable claims. The claims have been resubmitted in this amendment and the non-allowed claims have been canceled.

### Status of the Claims

Claims 1, 4-6, 8-9, 12, 14, 16-19, 20, 24, 27-35, and 40 have been cancelled without prejudice. Claims 2, 7, 11, 13, 15, 21-23, 25, 26, 36, 38, 39, 42, and 43 are currently being amended. After amending the claims as set forth above, Claims 2-3, 7, 10, 11, 13, 15, 21-23, 25-26, 36-39, and 41-43 are now pending in the present Application.

### Claims Indicated to be Allowable if Rewritten in Independent Form

In Section 7 of the February 8, 2005 Office Action (the "Office Action), the Examiner stated that "Claims 10, 22 and 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims."

Claim 22 previously depended from independent Claim 20. Claim 22 has been rewritten in independent form to include all the limitations of the rejected base claim (Claim 20) and any intervening claims (none).

Claim 43 previously depended from independent Claim 1. Claim 43 has been rewritten in independent form to include all the limitations of the rejected base claim (Claim 1) and any intervening claims (none).

Claim 10 depends from Claim 43, which has been amended to be in a form indicated to be allowable.

Accordingly, Applicants respectfully request reconsideration and allowance of Claims 10, 22, and 43, as amended.

Claim Objections

In Section 1 of the Office Action, the Examiner stated that “Claim 1 is objected to because of the following informalities: in claim 1, line 13, ‘the attachment mechanism’ lacks proper antecedent basis in the claim. Appropriate correction is required.”

Claim 1 has been cancelled and is no longer pending in the present Application.

Claim Rejections – 35 U.S.C. § 102

In Section 3 of the Office Action, the Examiner stated that “Claims 1-3, 7, 11, 15, 36-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Nottingham et al. 2002/0195471.”

Claim 1 has been cancelled. Claims 2, 7, 11, 15, 36, and 39 have been amended to depend from new independent Claim 43, which has been amended to be in a form the Examiner indicated would be allowable. Claims 3 and 37 depend from Claims 2 and 7, respectively, each of which now depends from new independent Claim 43. Claim 38 has been amended to depend from new independent Claim 22, which has been amended to be in a form the Examiner indicated would be allowable.

Each of Claims 2-3, 7, 11, 15, 36-39 now depend, either directly or indirectly, from a claim that is in a form that was indicated to be allowable. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 2-3, 7, 11, 15, and 36-39.

In Section 4 of the Office Action, the Examiner stated that “Claims 16-21, 23, 25-26, 41-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Nottingham et al. 2002/0195471.” The Examiner stated:

Nottingham et al. disclose a paint container (see the attached labeled drawings of page 79 of Nottingham et al.), which comprises a body having a bottom, a plurality of side walls, and a top, a threaded raised portion extending from the top, a spout

proximate the top and located within the raised portion (see labeled Figs. 1-3 for location of the threaded raised portion and spout), the spout defining a pouring direction, a first handle located proximate the side walls, a second handle pivotally secured proximate the top and attached to the body along a line perpendicular to the pouring direction, the second handle being attached directly to a portion of the body at pivots spaced from and independent of the raised portion as seen in Figures 1-4, a depression in the top (see Fig. 3 for location).

Claims 16-19 and 41 have been cancelled.

Claim 20 has been cancelled. Claims 21, 23, 25, 26, and 42 have been amended to depend from new independent Claim 22, which has been amended to be in a form the Examiner indicated would be allowable. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 21, 23, 25, 26, and 42.

#### Claim Rejections – 35 U.S.C. § 103

In Section 6 of the Office Action, the Examiner stated that “Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nottingham et al. 2002/0195471 in view of Moore 5,251,788.”

Claim 13 has been amended to depend from new independent Claim 43, which has been amended to be in a form the Examiner indicated would be allowable. Accordingly, Applicants respectfully request reconsideration and allowance of Claim 13.

#### Statement on Examiner’s Reasons for the Rejections

The claims rejected by the Examiner have been amended or cancelled solely for the purpose of obtaining quick allowance of the claims. Applicants wish to emphasize that in making such amendments or cancellations, Applicants in no way acquiesce in the Examiner’s reasons for the rejections of the claims. Applicants expressly reserve the right to file one or more continuing applications that include claims the Examiner rejected during the prosecution of this Application. Applicants do not intend for any amendment made during

the prosecution of this Application to affect the scope of any claims that may be presented in any continuing applications.

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Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 6/3/05

By 

FOLEY & LARDNER LLP  
Customer Number: 26371  
Telephone: (414) 297-5772  
Facsimile: (414) 297-4900

Keith D. Lindenbaum  
Attorney for Applicant  
Registration No. 40,365